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09/594,408	06/15/2000	Joey L. Erickson	33012/292/101	9110

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EXAMINER
COLLINS, SCOTT M

ART UNIT	PAPER NUMBER
2143	2

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 June 2000* .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-20 examined.

Claim Objections

2.   Claims 1 and 7 are objected to because of the following informalities: a delimiter "a."

has been used without utilizing the delimiters "b.". Since there is only one delimited point, no

delimiter is needed. Appropriate correction is required.

3.   Claim 12 is objected to because of the following informalities: a delimiter "d." has been

used without utilizing the delimiters "a.", "b.", or "c.". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

6.   Claims 4, 5, 9, 10, 14, 15, and 20 are rejected under 35 U.S.C. 112, first paragraph, as

based on a disclosure which is not enabling. The version of each of these software packages

(WebTX, ASP, VB, Windows, Windows NT) or the type of computer is critical or essential to

the practice of the invention, but not included in the claim(s) is not enabled by the disclosure.

See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Further, a patent is not allowed

to increase in scope as time passes and excluding the version numbers of the software or the type

of computer would allow the patent's scope to increase each time a new version of any of these

software packages or computers is released.

7.   Claims 4, 5, 9, 10, 14, 15, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of these claims claim a particular software package or computer without claiming the specific version number or type of computer.

8.   Claims 4 and 9 contain the trademark/trade name WebTx. Claim 4 contain the trademark/trade name NT Server. Claims 10 and 20 contain the trademark/trade name Windows. Claim 14 contains the trademark/trade name Active Server Page. Claim 15 contains the trademark/trade name Visual Basic. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade names are used to identify/describe software packages and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10.   Claims 1-3, 6-8, and 11-19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Gebauer, U.S. Patent Number 6,370,588 B2 (herein Gebauer).

The applied reference has a common assignee with the instant application. Based upon

the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37

CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by another," or by an appropriate

showing under 37 CFR 1.131.

11.   Referring to claim 1, Gebauer has taught a data processing system having a user terminal

for entering a transaction request, wherein said transaction request has one of a plurality of

formats, responsively coupled via a publicly available digital communication network to an

enterprise server for responding to said transaction request, the improvement comprising a

generic gateway interposed between said user terminal and said enterprise server which

responsively couples said user terminal to said enterprise server (Gebauer figures 3-6, 9, 12).

12.   Referring to claim 2, Gebauer has taught the improvement further comprising a plurality

of adapters interposed between said generic gateway and said user terminal which responsively

couples said user terminal to said generic gateway wherein each one of said plurality of adapters

corresponds to said one of said plurality of formats (Gebauer figure 4 and column 8, lines 4-36

where the clients request is adapted to use each service 70 and 72. Also, Gebauer figure 8 and

column 12, lines 20-42 show the user's request being adapted based on the type of service.).

13.   Referring to claim 3, Gebauer has taught the improvement wherein said publicly

available digital communication network further comprises the internet (Gebauer figure 9 and

column 8, lines 7-12).

14.   Claims 6-8 do not recite limitations above the claimed invention set forth in claims 1-3

and are therefore rejected for the same reasons set forth in the rejection of claims 1-3 above.

15.   Claims 11 and 16 do not recite limitations above the claimed invention set forth in the

combination of claims 1 and 2 and are therefore rejected for the same reasons set forth in the

rejection of claims 1 and 2 above.

16.   Referring to claims 12 and 17, Gebauer has taught the method further comprising

transferring said converted and processed service request from said generic gateway to an end

service provider via a connector (Gebauer figure 4 and column 8, lines 4-36 where the clients

request is adapted to use each service 70 and 72. Also, Gebauer figure 8 and column 12, lines

20-42 show the user's request being adapted based on the type of service. In both cases, once the

request has been adapted (converted, processed) it is directed to the actual service provider via

the connection between them.).

17.   Claims 13 and 19 do not recite limitations above the claimed invention set forth in claim

3 and are therefore rejected for the same reasons set forth in the rejection of claim 3 above.

18.   Referring to claim 14, Gebauer has taught the method wherein said one of said plurality

of formats further comprises an active server page (Gebauer figure 4, elements 70 and 72).

19.   Referring to claim 15, Gebauer has taught the method wherein said one of said plurality

of formats further comprises visual basic (Gebauer column 8, lines 24-27).

20.   Referring to claim 18, Gebauer has taught an apparatus wherein said one of said plurality of adapters corresponds to said one of said plurality of connectors (Gebauer figure 4 where each adapter corresponds to the connector whereby the adapter is connected to the client.).

21.   Claims 1-3, 6-8, 11-13, and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ronen, U.S. Patent Number 5,845,267 (herein referred to as Ronen).

22.   Referring to claim 1, Ronen has taught a data processing system having a user terminal for entering a transaction request, wherein said transaction request has one of a plurality of formats, responsively coupled via a publicly available digital communication network to an enterprise server for responding to said transaction request, the improvement comprising a generic gateway interposed between said user terminal and said enterprise server which responsively couples said user terminal to said enterprise server (Ronen figure 1 and column 5, line 43 – column 6, line 9 where transaction server 121 acts as a gateway between user terminal 101 and server 126.).

23.   Referring to claim 2, Ronen has taught the improvement further comprising a plurality of adapters interposed between said generic gateway and said user terminal which responsively couples said user terminal to said generic gateway wherein each one of said plurality of adapters corresponds to said one of said plurality of formats (Ronen figure 1 and column 5, line 43 – column 6, line 9 where the adapters are settings processed by the transaction server and passed on to the billing server to determine which services are rendered and how they are rendered.).

24.   Referring to claim 3, Ronen has taught the improvement wherein said publicly available digital communication network further comprises the internet (Ronen figure 1 element 104).

25.   Claims 6-8 do not recite limitations above the claimed invention set forth in claims 1-3 and are therefore rejected for the same reasons set forth in the rejection of claims 1-3 above.

26.   Claims 11 and 16 do not recite limitations above the claimed invention set forth in the combination of claims 1 and 2 and are therefore rejected for the same reasons set forth in the rejection of claims 1 and 2 above.

27.   Referring to claims 12 and 17, Ronen has taught the method further comprising transferring said converted and processed service request from said generic gateway to an end service provider via a connector (Ronen figure 1 and column 5, line 43 – column 6, line 9 where the request is passed to the billing server (column 6, liens 10-13).).

28.   Referring to claim 18, Ronen has taught an apparatus wherein said one of said plurality of adapters corresponds to said one of said plurality of connectors (Ronen figure 1 and column 5, line 43 – column 6, line 13 where each adapter is located within the transaction server 121 and corresponds to the connector between the transaction server and the billing server).

29.   Claims 13 and 19 do not recite limitations above the claimed invention set forth in claim 3 and are therefore rejected for the same reasons set forth in the rejection of claim 3 above.

30.   Claims 1-13, 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Deisinger et al., U.S. Patent Number 6,397,220 B1 (herein Deisinger).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by another," or by an appropriate

showing under 37 CFR 1.131.

31.   Referring to claim 1, Deisinger has taught a data processing system having a user

terminal for entering a transaction request, wherein said transaction request has one of a plurality

of formats, responsively coupled via a publicly available digital communication network to an

enterprise server for responding to said transaction request, the improvement comprising a

generic gateway interposed between said user terminal and said enterprise server which

responsively couples said user terminal to said enterprise server (Deisinger figure 1).

32.   Referring to claim 2, Deisinger has taught the improvement further comprising a plurality

of adapters interposed between said generic gateway and said user terminal which responsively

couples said user terminal to said generic gateway wherein each one of said plurality of adapters

corresponds to said one of said plurality of formats (Deisinger figure 2, element 229 where the

user's request is adapted based on the type of service.).

33.   Referring to claim 3, Deisinger has taught the improvement wherein said publicly

available digital communication network further comprises the internet (Deisinger column 4,

lines 42-43).

34.   Referring to claims 4 and 9, Deisinger has taught the improvement further comprising an

NT Server housing said generic gateway and providing a WebTx environment (Deisinger figures

3 and 4 and column 6, lines 26-32).

35.   Referring to claims 5, 10, and 20, Deisinger has taught the improvement wherein said

user terminal further comprises an industry compatible personal computer operating under

Windows (Deisinger column 4, lines 40-46 where Windows is the standard operating system for a computer conventionally termed a "PC".).

36.   Claims 6-8 do not recite limitations above the claimed invention set forth in claims 1-3 and are therefore rejected for the same reasons set forth in the rejection of claims 1-3 above.

37.   Claims 11 and 16 do not recite limitations above the claimed invention set forth in the combination of claims 1 and 2 and are therefore rejected for the same reasons set forth in the rejection of claims 1 and 2 above.

38.   Referring to claims 12 and 17, Deisinger has taught the method further comprising transferring said converted and processed service request from said generic gateway to an end service provider via a connector (Deisinger figure 2 and column 5, lines 27-51 where the middleware adapts / converts / processes the requests and routes the it to the correct service provider via connections 225, 227, etc.).

39.   Claims 13 and 19 do not recite limitations above the claimed invention set forth in claim 3 and are therefore rejected for the same reasons set forth in the rejection of claim 3 above.

40.   Referring to claim 18, Deisinger has taught an apparatus wherein said one of said plurality of adapters corresponds to said one of said plurality of connectors (Deisinger figure 2 where the adapters in element 229 correspond to the connector (225, 227, etc.) that will route to the service provider.).

Conclusion

41.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

a.	Sebesta et al.	U.S. Patent Number 6,324,681 B1
b.	Nolan	U.S. Patent Number 5,933,599
c.	Shah et al.	U.S. Patent Number 6,041,325
d.	Brunson et al.	U.S. Patent Number 6,038,296
e.	Sonera	WIPO Publication Number WO 01/95145 A1
f.	"SOAP: Simple Object Access Protocol", MSDN Online Web Workshop,

http://msdn.microsoft.com/xml/general/soapspec.asp, April 26, 2000.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Scott M. Collins whose telephone number is 703.305.7865. The
examiner can normally be reached on Mon.-Fri. 8:00 am - 5:30 pm with alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, David A Wiley can be reached on 703.308.5221. The fax phone numbers for the
organization where this application or proceeding is assigned are 703.746.7239 for regular
communications and 703.746.7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is 703.305.3900.

smc
July 26, 2003

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100